

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON EDUCATION**

**Call to Order:** By **CHAIRMAN JOAN ANDERSEN**, on March 10, 2003 at 3:00 P.M., in Room 137 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Joan Andersen, Chairman (R)  
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)  
Rep. Larry Lehman, Vice Chairman (R)  
Rep. Norman Ballantyne (D)  
Rep. Norma Bixby (D)  
Rep. Gary Branae (D)  
Rep. Carol Gibson (D)  
Rep. Bob Lawson (R)  
Rep. Joe McKenney (R)  
Rep. Clarice Schrupf (R)

**Members Excused:** Rep. Nancy Fritz (D)  
Rep. Bob Lake (R)  
Rep. Pat Wagman (R)

**Members Absent:** Rep. Verdell Jackson (R)

**Staff Present:** Mari Prewett, Committee Secretary  
Eddy McClure, Legislative Branch

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed. The time stamp in these minutes appears at the end of the content it refers to.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 76, 3/6/2003; SB 202, 3/5/2003  
Executive Action: SB 16 carried by a 14-0 voice vote

REPS. JACKSON AND FRITZ arrived at the hearing.

**HEARING ON SB 76**

**Sponsor:** SEN. TRUDI SCHMIDT, SD 21, Great Falls

**Opening Statement by Sponsor:**

**SEN. SCHMIDT** stated that SB 76 was a bill to help ensure that Montana Statutes did not conflict with anticipated changes in federal law and regulations under the Individuals With Disabilities Education Act (IDEA). She went on to say that last year President Bush formed the President's Commission on Excellence in Special Education. The Commission was formed to advise the President on needed changes in federal law anticipating the reauthorization of IDEA this year. **SEN. SCHMIDT** explained that the Commission had made a number of recommendations that would improve special education services for children with disabilities. She pointed out that Congress was scheduled to reauthorize IDEA in the spring and the hearings that had been conducted strongly suggested there would be revisions to one or more definitions of handicap conditions under IDEA. **SEN. SCHMIDT** explained that the definitions deleted in SB 76 were essentially copies of the disability conditions currently defined under federal law. She remarked that removing the definitions from State law would not change the responsibility of the State and Montana public schools to serve the same children that were currently qualified under IDEA.

**SEN. SCHMIDT** commented on Rep. Denny Rehberg's address of Monday, January 20, 2003, wherein he mentioned the continued need to fight for complete funding for IDEA.

**Proponents' Testimony:**

**Bob Runkel, Director, Special Education, Office of Public Instruction (OPI)**, spoke in support of SB 76 from written testimony, attached as Exhibit 1.

**EXHIBIT** (edh50a01)

**Opponents' Testimony:** None

**Informational Testimony:** None

***{Tape: 1; Side: A; Approx. Time Counter: 0 - 14.8}***

**Questions from Committee Members and Responses:**

**REP. JACKSON** asked Mr. Runkel if he was correct in assuming that changing the definitions would simplify his job. **Mr. Runkel** informed the Committee that it would to some degree.

**REP. JACKSON** asked Mr. Runkel how much extra time and effort it would take to classify each student based on the criteria. **Mr. Runkel** indicated that it was information that they already had available and they would simply have to report it.

**REP. FRITZ** asked Mr. Runkel if the age 3 to 5 group had already been identified. **Mr. Runkel** stated that the age 3 to 5 group was currently being identified.

**REP. FRITZ** asked Mr. Runkel who identified the children in the age 3 to 5 group. **Mr. Runkel** explained that the schools were responsible for identifying the 3 to 5 age group.

**REP. FRITZ** asked Mr. Runkel if he saw this as an expansion of special education services. **Mr. Runkel** indicated that it was not an expansion of special education services. He went on to say the intent was to keep the status quo.

**REP. GIBSON** asked Mr. Runkel to tell them what some of the 13 categories were. **Mr. Runkel** stated that he could not remember all 13. He pointed out that some of the categories were learning disabilities, speech and/or language impaired, autism, multiple disabilities, children with other health impairments, children with cognitive delay/mental retardation, and children with orthopedic impairments.

**REP. GALVIN-HALCRO** asked Mr. Runkel if he had any idea when Congress would vote on IDEA, and if there should be contingency language indicating that Montana's statute should be in line with federal statute when it was voted on. **Mr. Runkel** stated that they had chosen the start date specifically because if IDEA was reauthorized it would likely be in the spring. He continued that if IDEA was reauthorized it would go into effect at the beginning of the next fiscal year, which would be July 1, 2003.

**REP. LEHMAN** asked SEN. SCHMIDT if she would be agreeable to amending language in SB 76 that would make the bill effective when the federal law was enacted. **SEN. SCHMIDT** indicated that she would not object to amending the language, but did not feel it was necessary.

**REP. LAWSON** asked Mr. Runkel if the definitions were not already in existence in federal law. **Mr. Runkel** stated that the definitions being proposed were practically verbatim to the definitions found in current IDEA law.

**Closing by Sponsor:**

**SEN. SCHMIDT** stated that SB 76 would provide the Office of Public Instruction (OPI) the flexibility it would need to meet future revisions to the Individuals With Disabilities Education Act. She went on to say that whenever OPI applied for federal special education funds they had to guarantee that all federal requirements under IDEA had been met. **SEN. SCHMIDT** pointed out that whenever there were inconsistencies between federal requirements and State statutes or regulations the State's ability to prove that they had met all federal requirements would be brought into question.

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**EXECUTIVE ACTION ON SB 16**

CHAIRMAN ANDERSEN relinquished the chair to VICE CHAIR LEHMAN for executive action on SB 16.

**Motion:** **REP. ANDERSEN** moved that SB 16 BE CONCURRED IN.

**Discussion:**

**REP. ANDERSEN** stated that it was important to pass and have on the books a bill that would allow schools to do a territory transfer. She went on to say that she believed that everyone could live with the bill as written. She continued stating that the criteria set for the county superintendents to make a judgment on requests for territory transfers was what was important.

**VICE CHAIR LEHMAN** pointed out that they had been trying to get a law for territory transfers on the books for a very long time. He continued it was time to get something done, the bill was well written and that he would endorse SB 16.

**Vote:** Motion that SB 16 BE CONCURRED IN carried 14-0 by voice vote with REPS. LAKE and WAGMAN voting aye by proxy.

**REP. ANDERSEN** stated she would carry SB 16 on the House Floor.

***{Tape: 1; Side: B; Approx. Time Counter: 0 - 6.8}***

**HEARING ON SB 202**

**Sponsor:** SEN. ROYAL JOHNSON, SD 5, Billings

**Opening Statement by Sponsor:**

**SEN. JOHNSON** stated that SB 202 was a bill that would allow the Board of Public Education to use a portion of the teacher certification fee for certain activities in support of the constitutional and statutory duties of the Board of Public Education and the Certification Standards and Practices Advisory Council. He pointed out that currently teachers pay a \$6 per year charge for being a teacher to help with the administration of the Board of Public Education and for certification. **SEN. JOHNSON** went on to say that the \$6 fee was broken down before with \$4 for certification and \$2 going to the Board of Public Education. He continued saying that what he wanted to do was to give the \$6 fee to the Board of Public Education and the Certification Standards and Practices Advisory Council and let them use the funds where they saw fit. He explained that if \$4 was more than they needed for certification they would be able to take part of the money and use it for the administration of the Board of Public Education.

**Proponents' Testimony:**

**Steve Meloy, Executive Secretary, Board of Public Education,** stated that SB 202 would not raise teacher fees and would not impact general fund expenses. It would simply allow the Board of Public Education and its Advisory Council to use more flexibility in the expenditure of monies collected. **Mr. Meloy** explained how the Board received their money and how that money was used annually. **Mr. Meloy** pointed out that bill was asking that the Board be allowed to use the research monies for things that were not strictly related to research projects. He went on to give examples of ways in which the money could be used.

**Eric Feaver, MEA/MFT,** spoke in favor of SB 202 and gave background information on their involvement with the legislation.

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REP. LEHMAN** asked Mr. Meloy to explain what the Certification Standards and Practices Advisory Council do. **Mr. Meloy** explained

that it was an actual council made up of teachers that advise the Board on certification and teacher issues.

**Closing by Sponsor:**

**SEN. JOHNSON** recommended that the Committee get copies of the certification requirements and review them for informational purposes. He urged support for SB 202.

**CHAIRMAN ANDERSEN** announced that on March 26, 2003, there would be an educational meeting with both the Senate and House Education Committees regarding the "No Child Left Behind Program." She continued that the program would be presented by someone from the Education Commission of States and Nancy Coopersmith from the Office of Public Instruction.

**REP. LEHMAN** announced that the Montana Association of School Superintendents would be having their Spring Conference at the Colonial Inn on Thursday and Friday, March 13 and 14, 2003.

***{Tape: 1; Side: B; Approx. Time Counter: 6.8 - 21.5}***

**ADJOURNMENT**

Adjournment: 3:59 P.M.

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REP. JOAN ANDERSEN, Chairman

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MARI PREWETT, Secretary

JA/MP

**EXHIBIT** (edh50aad)